

Message Text

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ORIGIN XMB-04

INFO OCT-01 AF-06 ISO-00 EB-07 RSC-01 /019 R

XMB

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R 250048Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY LIBREVILLE

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FOR MARC BAAS FROM CARBONAR, EXIMBANK

E.O. 11652: N/A

TAGS: ETRD, US, GB

SUBJECT:EXIMBANK CREDIT NO. 5013 - GABON

1. WOULD APPRECIATE EMBASSY DRAWING TO ATTENTION MINECON
MOUKAMBI THAT FOLLOWING DOCUMENTS ARE NEEDED TO COMPLETE
CONDITIONS PRECEDENT TO EXIMBANK CREDIT NO.5013 (LOCKHEED
HERCULES:

A. LEGAL OPINION DATED NOVEMBER 9, 1974 SIGNED BY JEAN
ONETO, MAGISTRATE IS NOT ACCEPTABLE TO EXIM. THE MAGIS-
TRATE SHOULD PREPARE AND SIGN AN OPINION SIMILAR IN FORM
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AS OPINION TELEXED TO EXIM DECEMBER 2, 1974 CONCERNING
EXIMBANK CREDIT NO. 5353 (DC-8 AIRCRAFT). THAT FORM
WOULD BE ACCEPTABLE BECAUSE (1) IT REFERS SPECIFICALLY

TO THE LAWS REGARDING THE TAX SITUATION; (2) IT SPECIFICALLY STATES THAT EXCHANGE ASSURANCES ARE VALID AND BINDING; AND (3) IT REFERS TO APPROPRIATE DECREE.

B. EXIM HAS ONLY UNSIGNED COPIES OF CERTIFICATES OF NON MILITARY USE AND NON-PAYMENT OF FEES. PLEASE SEND SIGNED COPIES. FYI: EXIM HAS CHECKED WITH AMBASSADOR MAVOUNGOU

WHO DOES NOT HAVE ANY SIGNED COPIES. END FYI.

C. ALTHOUGH EXIM HAS RECEIVED EVIDENCE OF AUTHORITY FOR AMBASSADOR MAVOUNGOU TO SIGN DOCUMENTS, A COPY SIGNED BY PRESIDENT BONGO IS REQUIRED. HOWEVER, IN THE INTERIM MOUKAMBI WILL BE ABLE TO SIGN DOCUMENTS, IF NECESSARY.

D. BANQUE DU PARIS ET DES PAYS BAS (PARIBAS) HAS BEEN DESIGNATED TO ACT AS AGENT BANK FOR DISBURSEMENTS AND REPAYMENTS. IT IS UNABLE TO PERFORM THESE FUNCTIONS BECAUSE IT DOES NOT HAVE COMMERCIAL FACILITIES IN THE U.S. IT IS THEREFORE, UNACCEPTABLE TO EXIM. PARIBAS HAS INDICATED THAT CHEMICAL BANK COULD ACT IN CONJUNCTION WITH PARIBAS TO HANDLE THESE TRANSACTIONS. SUCH A DESIGNATION WOULD BE ACCEPTABLE. HOWEVER, THE GOG HAS RIGHT TO DESIGNATE ANY OTHER BANK WHICH HAS COMMERCIAL FACILITIES IN THE UNITED STATES TO ACT TOGETHER WITH PARIBAS, OR IF PREFERRED, TO ACT IN LIEU OF PARIBAS. NEED TO KNOW OF GOG DECISION ASAP. DESIGNATED BANK SHOULD ALSO BE INFORMED.

2. PLEASE CONVEY TO GOG THAT EXIMBANK CREDIT 5013 PROVIDES THAT ANY DOCUMENT SENT TO EXIMBANK SHOULD BE ACCOMPANIED BY AN ENGLISH TRANSLATION. INGERSOLL

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Margaret P. Grafeld
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